

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Lead in Wallets, Handbags, Purses, Clutches, and Totes
Made of Vinyl or Imitation Leather
June 4, 2009

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act, see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice of Violation is provided by the Center for Environmental Health ("CEH"), 2201 Broadway, Suite 302, Oakland, CA 94612, (510) 655-3900. CEH is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Michael Green is the Executive Director of and a responsible individual within CEH.

Description of Violation:

- Violator: The names and addresses of the violators are listed on the attached Exhibit 1.
- Time Period of Exposure: The violations have been occurring since at least June 4, 2006, and are continuing to this day.
- Provision of Proposition 65: This Notice of Violation covers the "warning provision" of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- Chemical(s) Involved: The names of the listed chemicals involved in these violations are lead and lead compounds ("Lead"). Exposures to Lead occur from use of the products identified in this Notice.
- Types of Product: The specific types of product causing this violation are vinyl and faux leather wallets, handbags, purses, clutches and totes. These products are made of materials and components that contain Lead. Non-exclusive examples of these specific types of products are listed on the attached Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to Lead. Use of the products identified in this Notice results in human exposures to Lead. Lead is found in the vinyl or imitation leather fabric used to make the products both as a stabilizer and as a chemical ingredient in some of the dyes, paints and other coloring agents. Lead is also found in the metallic components such as zippers and zipper pulls used on the products. The route of exposure for the violations is direct ingestion when consumers (including children) place the products or items that have been stored in the products in their mouths; ingestion via hand to mouth contact after consumers touch or handle the products or items that have been stored in the products; and dermal absorption directly through the skin when consumers touch or handle the products or items that have been stored in the products. No clear and reasonable warning is

provided with these products regarding the carcinogenic or reproductive hazards of Lead. CEH has issued two other Notices of Violation regarding Lead in these specific types of products, which may be found on the California Attorney General's web site at <http://proposition65.doj.ca.gov/default.asp>, and are incorporated herein by reference.

Resolution of Noticed Claims:

- Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit against each of the alleged violators unless such violator agrees in a binding written instrument to: (1) recall products already sold; (2) provide clear and reasonable warnings for products sold in the future or reformulate such products to eliminate the Lead exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If any of the alleged violators is interested in resolving this dispute without resort to expensive and time-consuming litigation, please feel free to contact CEH through its counsel identified below. It should be noted that CEH cannot: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District or City Attorney who received CEH's 60-day Notice. Therefore, while reaching an agreement with CEH will resolve its claims, such agreement may not satisfy the public prosecutors.

Please direct any inquiries regarding this notice to CEH and its counsel Eric S. Somers (esomers at lexlawgroup.com) or Howard Hirsch (hhirsch at lexlawgroup.com) at Lexington Law Group, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111.

EXHIBIT 1
June 4, 2009 Notice of Violation
Lead in Wallets, Handbags, Purses, Clutches, and Totes
Made of Vinyl or Imitation Leather

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
Express, LLC 1 Limited Parkway Columbus, OH 43230	Express Brown Bag	SKU No. 09069259 Style No. 1907
French Connection Group, Inc. 184-10 Jamaica Ave 3rd Floor Hollis, NY 11423 French Connection Group PLC Centro 1 39 Camden St. London NW1 0DX United Kingdom	Yellow Open Tote	SKU No. 8-83494-55018-9 Style No. SBAM13103
Guess?, Inc. 1444 South Alameda Street Los Angeles, CA 90021 Guess? Retail, Inc. 1444 South Alameda Street Los Angeles, CA 90021	GUESS by Marciano Atomic Beach Mustard Bag	SKU No. 758193053623 Style No. NL079604
Lerner New York, Inc. 450 West 33 rd Street New York, NY 10001	Yellow Tote Bag	SKU No. 84215633 Style No. 7135
Victoria's Secret Stores, LLC 4 Limited Parkway Reynoldsburg, OH 43068 Victoria's Secret Direct Brand Management, LLC 3 Limited Parkway Columbus, OH 43230	PINK Accessories Bag (Yellow/Green)	Item No. 09285858

Nordstrom, Inc. 1700 Seventh Avenue Seattle, WA 98101	Yellow Hobo Bag	SKU No. 8-44267-00561-9 ID No. 1108041NS
Pacific Sunwear of California, Inc. P.O. Box 68042 Anaheim, CA 92817-0842 Pacific Sunwear Stores Corp. P.O. Box 68042 Anaheim, CA 92817-0842	The California Native Yellow Purse	SKU No. 05281696 Style No. 9000 Vendor No. 20596
Super Trader, Inc. 1111 S. Hill Street Third Floor Los Angeles, CA 90015	Yellow Bowling Ball Bag	SKU No. 400004797980 ID No. 102432182
Tri-Coastal Design Group Inc. 905 Murray Road East Hanover, NJ 07936	Cul-de-Sac Yellow Front Zip Bag	SKU No. 7-67014-63664-8

CERTIFICATE OF MERIT
Health & Safety Code § 25249.7(d)

I, Eric S. Somers, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated Health & Safety Code § 25249.6 by failing to provide clear and reasonable warnings.

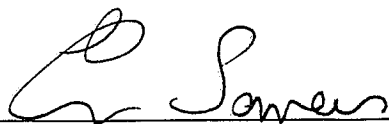
2. I am an attorney with the Lexington Law Group and I represent the noticing party, the Center for Environmental Health.

3. Members of my firm and I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies or other data regarding the exposures to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and the information did not prove that the alleged violators will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of the Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health & Safety Code § 25249.7(h)(2), i.e. (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies or other data reviewed by those persons.

June 4, 2009



Eric S. Somers
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

PROOF OF SERVICE BY MAIL

I declare that:

I am employed in San Francisco County, California; my business address is 1627 Irving Street, San Francisco, California 94122. I am over the age of 18 years and not a party to the within cause.

On June 4, 2009, I served true copies of the following documents:

NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;

CERTIFICATE OF MERIT; and

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to those on service list marked with an asterisks).

On this date, I deposited fully prepaid and sealed envelopes containing the above-mentioned documents with the United States Postal Service, addressed to the following individuals:

Please see attached service list.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on June 4, 2009, at San Francisco, California.

Signed: _____
Ellen Reed

SERVICE LIST

District Attorney of Alameda County
1225 Fallon Street, Room 900
Oakland, CA 94612

District Attorney of Colusa County
547 Market Street
Colusa, CA 95932

District Attorney of Contra Costa County
627 Ferry Street
Martinez, CA 94553

District Attorney of Alpine County
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District Attorney of Del Norte County
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Crescent City, CA 95531

District Attorney of Amador County
708 Court Street, #202
Jackson, CA 95642

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District Attorney of El Dorado County
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210 W. Temple Street, Room 345
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Alturas, CA 96101-4020

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San Luis Obispo, CA 93408

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1200 3rd Avenue #1620
San Diego, CA 92101

San Francisco City Attorney's
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City Hall, Room 234
San Francisco, CA 94102

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